UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION)))))) MDL No. 1456) Master File No. 01- 12257-PBS
THIS DOCUMENT RELATES TO:	Subcategory Case. No. 06-11337
United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al. v. Dey, Inc., et al., Civil Action No. 05-11084-PBS	Hon. Patti B. Saris
	Magistrate Judge Marianne B. Bowler

DEY DEFENDANTS' CONSENTED TO MOTION TO WITHDRAW THE MOTION IN LIMINE TO EXCLUDE FROM EVIDENCE THE REPORTS AND TESTIMONY OF STEPHEN W. SCHONDELMEYER

Defendants Dey Pharma, L.P (formerly known as Dey, L.P.), Dey, Inc., and Dey L.P., Inc. (collectively "Dey") move to withdraw their Motion *In Limine* to Exclude From Evidence the Reports and Testimony of Stephen W. Schondelmeyer (Docket No. 6998, Subcategory Docket No. 737) ("Motion *In Limine*") without prejudice. Plaintiff the United States has indicated that it will consent to the relief sought in this motion.

Dated: May 27, 2010

Respectfully submitted,

KELLEY DRYE & WARREN LLP

By: /s/ Clifford Katz
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Attorneys for Defendants Dey Pharma, L.P. (formerly known as Dey, L.P.), Dey, Inc., and Dey L.P., Inc.

LOCAL RULE 7.1 CERTIFICATION

I certify that I have conferred with Jeffrey Fauci, counsel for the United States in this action, who indicated that the United States would consent to the relief sought in this motion.

/s/ Clifford Katz
Clifford Katz

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above Stipulation Concerning the Reports and Testimony of Stephen W. Schondelmeyer was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on May 27, 2010, a copy to LexisNexis File & Serve for posting and notification to all parties.